

## REMARKS

Favorable consideration of this application in view of the foregoing amendments and the following remarks, is respectfully requested.

Claims 37-60 are pending in the application, with Claims 37, 58 and 60 being independent. Claims 1-19 and 21-36 have been cancelled without prejudice. Claim 20 was previously cancelled. Claims 37-60 are newly added. Support for the new claims may be found in the specification. For example, support for acrylic acid as the polar monomer (Claims 45, 56, 57 and 59) may be found at page 7, lines 21-22. Support for butyl methacrylate as the nonpolar monomer (Claims 55, 56, 57 and 59) may be found, for example, at page 9, lines 5-7. Support for dipropylene glycol dibenzoate as the plasticizer (Claims 57 and 59) may be found, for example, at page 12, lines 11-14. Applicants submit that no new matter has been added.

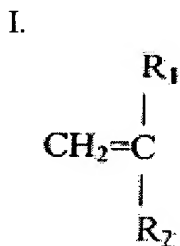
The specification has been amended to correct typographical errors. Specifically, the specification has been amended to recite that the nail enamel composition comprises, by weight of the total composition, 5-95% solvent and 5-95% of a film forming polymer. Previously the specification recited that the nail enamel composition comprises, by weight of the total composition, 10-95% solvent and 5-95% of a film forming polymer. Clearly, when the film forming polymer comprises 95% of the nail enamel, the solvent can only constitute 5% of the nail enamel. Thus, the solvent's lower limit must be 5%, not 10%. Applicants have amended the specification to correct this error. Applicants submit that no new matter has been added.

Claims 1, 3-10, 14, 21-23 and 31-34 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,991,007 (Perronin et al.). Claims 1-14,

21-26 and 33-34 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,254,878 (Bednarek et al.). Claims 15, 16 and 27-32 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Bednarek et al. Claims 17-19 and 35-36 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Bednarek et al. in view of U.S. Patent No. 5,772,988 (Pagano et al.). While Applicants do not concede the correctness of these rejections, they are inapplicable to new Claims 37-60.

Applicants' invention as recited in new Claim 37 is directed to a method of making an anhydrous nail enamel that includes two distinct steps. Step (A) is pre-forming an anhydrous solution of a copolymer in an organic solvent. The copolymer is capable of forming a film on a nail, has a glass transition temperature in the range of 5 to 90° C., and is obtained by copolymerizing at least two different types of monomers. One monomer is a nonpolar ethylenically unsaturated monomer selected from the group consisting of:

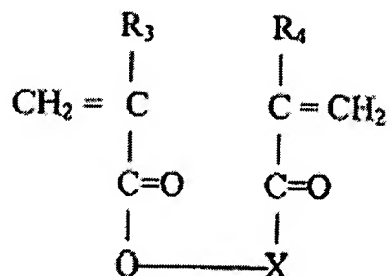
(i) a monofunctional monomer of the formula:



wherein R<sub>1</sub> is a C<sub>1-30</sub> straight or branched chain alkyl, aryl, aralkyl; R<sub>2</sub> is H, CH<sub>3</sub>, a pyrrolidone, or a substituted or unsubstituted aromatic, alicyclic, or bicyclic ring where the substituents are C<sub>1-30</sub> straight or branched chain alkyl, or COOM wherein M is a C<sub>1-30</sub> straight or branched chain alkyl, pyrrolidone, or a substituted or unsubstituted aromatic, alicyclic, or bicyclic ring where any substituents are C<sub>1-30</sub> straight or branched chain alkyl that are either unsubstituted or substituted with one or more halogens,

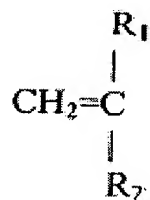
(ii) a difunctional monomer of the formula:

II.



wherein  $R_3$  and  $R_4$  are each independently H, a  $C_{1-30}$  straight or branched chain alkyl, aryl, or aralkyl; and X is  $[(CH_2)_xO_y]_z$  wherein x is 3-20, y is 1, and z is 1-100, and

(iii) a trifunctional monomer selected from the group consisting of trimethylolpropane trimethacrylate and trimethylolpropane triacrylate. A second monomer is a polar monomer of the formula:



wherein  $R_1$  is H or a  $C_{1-30}$  straight or branched chain alkyl, aryl, or aralkyl; and  $R_2$  is COOM

wherein M is H,  $(CHR_1)_nOH$ ,  $(CH_2CH_2O)_nH$ ,  $(CH_2)_nNR_1$ , or  $(CHR_1CONR_1H)$  and n is 1-

100. The polar monomer is present at about 2 to 29% by weight of the total copolymer.

The copolymer is substantially free of anhydride monomers, ureido monomers, acid monomers in combination with hydroxy monomers, and monomers containing acetoacetoxy moieties. The solution contains 5-95% of the copolymer. Step (B) is

blending the preformed copolymer solution with at least one pigment and at least one plasticizer.

Applicants' invention as recited in new Claim 58 is directed to an anhydrous nail enamel including, by weight of the total composition, 5-95% organic solvent and 5-95% copolymer. The copolymer is uniformly dispersed in the enamel and is not present solely as a coating on a pigment. The copolymer is capable of forming a film on a nail, and the copolymer has a glass transition temperature in the range of 5 to 90 °C. The copolymer is obtained by copolymerizing at least two different types of monomers. One monomer is a nonpolar ethylenically unsaturated monomer that corresponds to the nonpolar ethylenically unsaturated monomer recited in Claim 37. A second monomer is a polar monomer that corresponds to the polar monomer recited in Claim 37. The polar monomer is present at about 2 to 29% by weight of the total copolymer. The copolymer is substantially free of anhydride monomers, ureido monomers, acid monomers in combination with hydroxy monomers, and monomers containing acetoacetoxy moieties.

Applicants' invention as recited in new Claim 60 is directed to an anhydrous nail enamel including, by weight of the total composition, 5-95% organic solvent and 5-95% of a copolymer capable of forming a film on a nail. The copolymer has a glass transition temperature in the range of 5 to 90 °C. The copolymer is obtained by copolymerizing at least two different types of monomers. One monomer is a nonpolar ethylenically unsaturated monomer that corresponds to the nonpolar ethylenically unsaturated monomer recited in Claim 37. A second monomer is a polar monomer that corresponds to the polar monomer recited in Claim 37. The polar monomer is present at about 2 to 29% by weight of the total copolymer. The copolymer is substantially free of

anhydride monomers, ureido monomers, acid monomers in combination with hydroxy monomers, and monomers containing acetoacetoxy moieties. Also, the nail enamel is unpigmented.

Applicants submit that none of the cited references teaches or suggests important features of the presently claimed invention.

Perronin et al. is directed to a process for the preparation of pigmentary particles coated with an organic polymer and compositions resulting therefrom. The process of Perronin et al. includes coating the particles of pigment with a polymer or copolymer, by the polymerization or copolymerization in situ of at least one ethylenically unsaturated monomer containing at least three carbon atoms or at least two carbon atoms and a heteroatom and/or a halogen atom attached to one of the carbon atoms. Perronin et al., however, is not read to teach or suggest a method of making an anhydrous nail enamel by pre-forming an anhydrous solution of a copolymer in an organic solvent and blending the preformed copolymer solution with a pigment and a plasticizer, as recited in Claim 37. Perronin et al. is also not read to teach or suggest an anhydrous nail enamel wherein the copolymer is uniformly dispersed in the enamel and is not present solely as a coating on a pigment, as recited in Claim 58, nor is Perronin et al. read to teach or suggest an anhydrous nail enamel that is unpigmented, as recited in Claim 60.

Bednarek et al. is directed to nail-polish compositions containing acrylic polymers. The acrylic polymer contains 1-40% by weight of polymerized adhesion promoting monomers (or monomer combinations) selected from: (1) anhydride monomers, anhydride monomers with acid monomers, anhydride monomers in combination with ureido monomers, and anhydride monomers with beta-diketone monomers; (2) acid

monomers in combination with hydroxy monomers; and (3) ureido monomers, ureido monomers in combination with beta-diketone monomers, and ureido monomers in combination with acid monomers. Bednarek et al., however, is not read to teach or suggest a nail enamel that is substantially free of anhydride monomers, ureido monomers, and acid monomers in combination with hydroxy monomers, as is recited in Applicants' presently claimed invention.

Pagano et al. is directed to nail-enamel compositions comprising an acetoacetoxy methacrylate copolymer. Pagano et al., however, is not read to teach or suggest a nail enamel that is substantially free of acetoacetoxy moieties. Accordingly, Applicants submit that the proposed combination of Bednarek et al. with Pagano et al., even if proper, would not teach or suggest Applicants' presently claimed invention.

Applicants respectfully submit that the present invention is patentably defined by independent Claims 37, 58 and 60. Dependent Claims 38-57 and 59 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of each of the dependent claims is requested.

Applicants submit that the present application is in condition for allowance. Favorable consideration, and an early Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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